

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY LYNN NORWOOD,

Plaintiff,

No. CIV S-03-2554 GEB GGH P

vs.

EDWARD ALAMEIDA, JR., et al.,

Defendants.

ORDER

_____/

Plaintiff has requested an extension of time to file a motion to compel discovery, which was not served upon defendants when filed because plaintiff has been transferred and has been separated from his legal materials and apparently cannot recall the address. Plaintiff states that he intends to serve the request as soon as he has access to his legal materials. Plaintiff has filed his request at this time in order not to exceed the pending November 21, 2005 deadline for filing any motion to compel discovery with respect to all defendants but defendant Pliler. Although every document submitted to the court for consideration must be served on defendants, Fed. R. Civ. P. 5, Local Rule 5-135(b) and (c), the court will consider plaintiff's request because he has been separated from his materials, apparently unexpectedly.

By order filed on October 25, 2005, plaintiff was granted 60 days from the date defendant Pliler is served to file a motion to compel discovery, with respect to defendant Pliler

1 only, with the same cut-off applied to defendant Pliler to the extent that she may seek a motion
2 compelling discovery from plaintiff; however, the November 21, 2005 deadline was retained
3 with respect to any motion to compel discovery plaintiff might file with respect to any other
4 defendant or with respect to any motion to compel brought by any defendant but defendant Pliler.

5 In his latest request, plaintiff avers that he was hastily transferred from CSP-
6 Sacramento to Calipatria State Prison, on November 7, 2005, after having been earlier informed
7 by a classification committee, considering his transfer eligibility on or about October 18, 2005,
8 that he would not be transferred until his pending litigation was resolved. Plaintiff states that he
9 has yet to be reunited with his legal property and asks that he be allowed until December 23,
10 2005 to file a motion to compel discovery as to defendants. The court will grant the extension of
11 time with respect to those defendants other than defendant Pliler; as to defendant Pliler, the
12 October 25, 2005 order remains in effect.

13 As to defendants' November 16, 2005 opposition to a purported motion by
14 plaintiff to serve additional interrogatories and requests for production of documents upon
15 defendants, plaintiff's unopposed request to serve additional discovery, filed on June 29, 2005,
16 was granted by order filed on August 4, 2005. The court cannot locate any pending request by
17 plaintiff for leave to serve additional discovery and therefore is unable to address the issue raised
18 by defendants in their opposition.

19 Accordingly, IT IS HEREBY ORDERED that:

- 20 1. Plaintiff's November 21, 2005 motion for an extension of time is granted; and
21 2. Plaintiff is granted until December 23, 2005 to file a motion to compel
22 discovery as to the previously served defendants; as to defendant Pliler, the deadline for filing a
23 motion to compel discovery remains 60 days from the day defendant Pliler is served.

24 DATED: 11/30/05

/s/ Gregory G. Hollows

25 GREGORY G. HOLLOWES
26 UNITED STATES MAGISTRATE JUDGE